

NO. 02-18-00138-CR

**IN THE COURT OF APPEALS
FOR THE SECOND DISTRICT OF TEXAS
AT FORT WORTH**

FILED IN
2nd COURT OF APPEALS
FORT WORTH, TEXAS
6/30/2020 9:05:55 PM

DEBRA SPISAK
Clerk

CRYSTAL MASON,

Appellant,

v.

STATE OF TEXAS,

Appellee.

**On appeal from 432nd District Court
Of Tarrant County, Texas
In Cause No. 148710D
The Honorable Ruben Gonzalez, Jr. Presiding**

**APPELLANT'S UNOPPOSED MOTION FOR LEAVE TO FILE A
REPLY IN SUPPORT OF HER MOTION FOR EN BANC
RECONSIDERATION ON OR BEFORE AUGUST 5, 2020**

TO THE HONORABLE JUSTICES OF THE SECOND COURT OF APPEALS:

Crystal Mason, Appellant, respectfully requests that this Court grant her leave to file a Reply in support of her Motion for En Banc Reconsideration on or before August 5, 2020. In support of this Motion, Ms. Mason shows the Court the following:

1. On June 16, the Court requested that the Appellee file a response to Ms. Mason's Motion for En Banc Reconsideration on or before June 26, 2020.

2. On June 23, the Appellee filed an unopposed motion seeking an extra 10 days to file its response.

3. On June 26, the Court granted the Appellee's unopposed motion. As a result, the Appellee's response is due Monday, July 6, 2020.

4. This is a significant case with serious implications for both Ms. Mason and, as set forth in Ms. Mason's Motion for En Banc Reconsideration, tens of thousands of other Texan voters. Accordingly, Ms. Mason intends to file a reply in support of her Motion for En Banc Reconsideration.

5. Ms. Mason seeks 30 days to file her Reply, which would make the Reply due on or before August 5, 2020.

6. Ms. Mason's counsel has numerous other litigation deadlines during July, including: *Lay v. Goins*, No. M2020-00832-COA-R9-CV (Supreme Court of Tenn.) (responsive brief due July 9, 2020); *Richardson, et al. v. Texas Secretary of State, et al.*, 5:19-cv-00963-OG (W.D. Tex.) (Reply in support of Motion for Summary Judgment due July 14, 2020); *United States of America v. 5.840 Acres of Land, et al.*, No. 7:20-CV-009 (S.D. TX) (status conference on July 14, 2020); *Common Cause Indiana v. Lawson*, No. 1:17-cv-03936 (S.D. Ind.) (Opposition to Motion to Dismiss due July 15, 2020; Reply in support of Summary Judgment due July 22, 2020); *Ga. State Conference of the NAACP v. DeKalb Cty. Bd. of Registration & Elections*, No. 1:20-cv-00879 (N.D. Ga.) (hearing on motion to

dismiss July 16, 2020); *Daniels. v. Dallas County Sheriff*, No. DC-20-07112, (298th District Court, Dallas County) (discovery hearing on July 23, 2020); *Amawi v. Paxton*, No. 18-cv-1091 (W.D. Tex.) (Reply in support of Motion for Attorneys' Fees due July 30, 2020); *Vazquez Barrera et al. v. Wolf et al.*, 4:20-cv-01241 (S.D. Tex.) (ongoing discovery obligations); *Booth v. Galveston County, et al.*, No. 19-40785, (5th Cir.) (preparation for August oral argument).

7. In addition to these obligations, the COVID-19 outbreak continues to create significant operational difficulties for counsel including the closure of the counsels' offices, the technological and procedural hurdles of operating from home, and coordinating appropriate child-care solutions.

8. Appellee's counsel is unopposed to this request.

9. The Motion is not being filed for purposes of delay, but only so that justice may be done and to provide the necessary time such that Ms. Mason may prepare a Reply that will assist the Court.

10. Ms. Mason is out on bond pending appeal.

PRAYER

For the foregoing reasons, Ms. Mason respectfully asks the Court to grant this Unopposed Motion and grant her leave to file a Reply in support of her Motion for En Banc Reconsideration on or before August 5, 2020.

Respectfully submitted,

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*Counsel for Appellant,
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CERTIFICATE OF CONFERENCE

I certify that I have conferred with the office of Assistant District Attorney Helena Faulkner as counsel for Appellee State of Texas via email on or before the date of the filemark appended hereto. The State is **unopposed** to the Court granting the motion.

/s/ Thomas Buser-Clancy
Thomas Buser-Clancy

CERTIFICATE OF SERVICE

In accordance with the Texas Rules of Appellate Procedure, I hereby certify that a true and correct copy of this Motion has been served on the following counsel of record via e-service on this the June 30, 2020:

Counsel for Appellee State of Texas:

Sharen Wilson, *Criminal District Attorney*

Joseph W. Spence, *Assistant Criminal District Attorney, Chief, Post-conviction*

Helena F. Faulkner, *Assistant Criminal District Attorney*

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